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By eFile

May 19, 2023

Hon. Kenneth M. Karas  
United States Magistrate Judge  
300 Quarropas Street  
White Plains, New York 10601

## MEMO ENDORSED

Re.: United States v. Adrian Bradshaw  
Case No.: 22 Cr. 217

Dear Judge Karas:

Our office was assigned pursuant to the Criminal Justice Act to represent Adrian Bradshaw in the above referenced case. On October 17, 2022, our office filed a motion to inspect the alleged drugs recovered in the above case. See. ECF 17. The Government did not file an opposition to this motion. On May 13, 2023, our office requested a ruling on that motion. See. ECF 34. On May 16, 2023, this court granted our motion to inspect the alleged narcotics. See. ECF 36. In response to that order, the Government requested that defense counsel follow certain procedures when testing the alleged drugs. In sum, the Government request that defense: (i) use an ISO accredited lab with a DEA License, (ii) permit the Special Agent assigned to the case to transport the alleged narcotics and, (iii) permit the Special Agent to be present for all re-testing. See. ECF 40.

After making contact with numerous laboratories across the country, defense counsel has located a laboratory that is both ISO accredited and holds a DEA license, NMS Labs, located in Pennsylvania. NMS Labs can perform a qualitative and a quantitative analysis of the alleged narcotics, which will determine the purity and concentration of the alleged substance, and perform a re-weighing of the alleged narcotics. If NMS Labs handles this on an expedited basis, the lab will be able to produce the results of those tests within 2 weeks of receipt of the alleged narcotics. Our office would expect the results to be received around June 5, 2023 if the alleged narcotics are delivered to the lab on May 22, 2023.

Defense counsel has no objection to the Government request to have the agent in the case deliver the alleged narcotics to the laboratory. However, if the agent is deemed by this Court to be required to witness the testing, the laboratory will require a court order. The laboratory estimates that it would take an additional two weeks to review the court order and determine if, at all, the laboratory can comply with such order, which would

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delay the completion of the testing before the scheduled trial on June 12, 2023. Notably, the Government has offered to have the alleged narcotics re-tested by the state laboratory that did the original test, which will now make the specific determinations as to weight and purity. In response to this, defense counsel requested to be present at the re-testing to ensure independence and be able to report back to our client what we observed, which is the point of the re-testing. However, the State Laboratory rejected this. We respectfully submit that this Court should not require the defendant to accommodate a Government request which the Government will not require its lab to reciprocate for the defense.

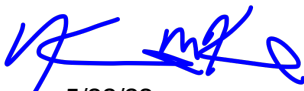
Therefore, this court should order the Government to produce the alleged narcotics at the NMS facility for testing on May 22, 2023. NMS labs and the Special Agents handling the alleged narcotics can meet and confer on the exact method and timing for transfer, testing and return of the alleged narcotics. Defense counsel will assist in every way to make this event happens seamlessly.

The Government is to produce the alleged narcotics to the NMS facility for testing by today. As for the State Laboratory process, it must proceed along same parameters outlined herein and must be done in time for the trial to start as scheduled. The Government did not respond to Defendant's motion regarding testing until only recently and it therefore has no basis to delay the testing or to insist on procedures that differ from those it has sought to impose on Defendant.

Best regards,

/s/ Samuel Braverman  
Samuel Braverman

So Ordered.



5/22/23